

United States District Court
Southern District of New York

USDC SDNY
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DATE FILED: 6/25/12

JERMAINE JERNIGAN,

Petitioner,

08 Civ. 9289 (JGK) (DCF)

- against -

MEMORANDUM OPINION AND
ORDER

WILLIAM H. BROWN,

Respondent.

JOHN G. KOELTL, District Judge:

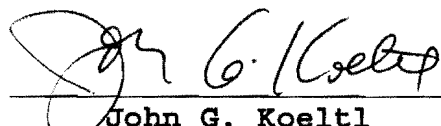
The Court has received the Report and Recommendation of Magistrate Judge Freeman dated May 1, 2012. No objections have been filed and the time for filing objections has passed. Therefore any objections are waived. In any event, the Court adopts the thorough and well-reasoned Report and Recommendation. Therefore, the petitioner's unexhausted ineffective assistance of counsel claims are excised from the petition and the remaining claims are dismissed in their entirety.

The Court declines to issue a certificate of appealability because the petitioner has failed to make a substantial showing of the denial of a constitutional right. See 28 U.S.C. § 2253(c).

The Clerk is directed to dismiss the petition and to close this case.

SO ORDERED.

Dated: New York, New York
June 23, 2012


John G. Koeltl
United States District Judge